

BADIAK & WILL, LLP
Attorneys for Plaintiff
106 3rd Street
Mineola, New York 11501
(516) 877-2225
Our Ref. : 07-P-016-JK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HARTFORD FIRE INSURANCE COMPANY
a/s/o Multiax CNC, Inc.,

Plaintiff,

- against -

COMBI LINE INTERNATIONAL, S.P.A.,

Defendant.
-----X

ECF CASE

07 Civ. 11606 (MGC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Affirmation of James P. Krauzlis, dated September 9, 2008, together with all exhibits attached hereto, the accompanying Memorandum of Law, the Rule 56.1 Statement, and all the papers and proceedings had herein, Plaintiff, HARTFORD FIRE INSURANCE COMPANY, by their attorneys, Badiak, & Will, LLP, will move this Court, at the United States Courthouse, located at 500 Pearl Street, New York, New York, 10007, before the Honorable Miriam Goldman Cedarbaum, courtroom 14A, on Thursday, October 2, 2008, at 9:30 a.m., for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Plaintiff Partial Summary Judgment holding the Defendant Combi Line International, S.p.A., committed a fundamental breach of the contract of carriage which deprives the defendant of reliance on the provisions of the contract, including the provisions of COGSA and

the forum selection clause, and for such other and further relief as this Court deems just and equitable.

Defendant's answering declarations, Rule 56.1 Statement and memoranda are required to be served and filed on or before noon on Wednesday, September 24, 2008, and Plaintiff's reply papers are required to be served and filed on or before noon on Tuesday, September 30, 2008.

Dated: Mineola, New York
September 9, 2008

BADIAK & WILL, LLP
Attorneys for Plaintiff,
Hartford Fire Insurance Co.

By: 

JAMES P. KRAUZLIS (JK-4972)

TO: LENNON MURPHY & LENNON, LLC
Attorneys for the Defendant
COMBI LINE INTERNATIONAL
The GrayBar Building
420 Lexington Avenue, Suite 300
New York, New York 10170

Docket No.: 07 Civ. 11606 (MGC)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)) SS:
COUNTY OF NASSAU)

I, Jackie Moore, being duly sworn, deposes and says:

I am not a party to the within action, am over 18 years of age and reside at c/o Badiak & Will, LLP, 106 Third Street, Mineola, New York, 11501-4404. **On September 9, 2008**, I served the within **NOTICE OF MOTION, AFFIRMATION OF JAMES P. KRAUZLIS, MEMORANDUM OF LAW IN SUPPORT OF HARTFORD FIRE INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT** on:

Leonard Murphy & Leonard, LLC
Attorney for Defendant
Combi Line International, S.p.A.
The GrayBar Building
420 Lexington Avenue
New York, New York 10170

by depositing a true copy thereof enclosed in a post-paid wrapper in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Jackie Moore
Jackie Moore

Sworn to before me this
9th day of September, 2008.

NOTARY PUBLIC
JAMES P. KRAUZLIS
Notary Public, State of New York
No. 02KR5051531
Qualified in Suffolk County
Commission Expires Nov. 6, 2010

Ref No.: 07-P-016-JK